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9 BIKRAM'S YOGA COLLEGE OF INDIA, L.P.
and BIKRAM CHOUDHURY

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11 **UNITED STATES DISTRICT COURT**

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13 **CENTRAL DISTRICT OF CALIFORNIA**

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15 BIKRAM'S YOGA COLLEGE OF
16 INDIA, L.P., a California limited
17 partnership; and BIKRAM
CHOUDHURY, an individual,

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Plaintiffs,

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vs.

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21 EVOLATION YOGA, LLC, a New
22 York limited liability company; MARK
23 DROST, an individual; ZEFEA
SAMSON, an individual; and DOES 1
through 10, inclusive,

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Defendants.

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26 AND RELATED COUNTERCLAIM

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Case No. CV11-05506-ODW(SSx)

The Honorable Otis D. Wright, II,
Courtroom No. 11

NOTICE OF APPEAL

Preliminary Injunction Appeal

[28 U.S.C. § 1291(a)(1); Fed. R. App.
Proc. 3 and 4(a)(1)(A)]

Complaint Filed: July 1, 2011

Trial Date: January 29, 2013

1 TO ALL PARTIES AND TO THEIR ATTORNEYS OF RECORD HEREIN:
2 PLEASE TAKE NOTICE that plaintiffs and counter-defendants BIKRAM'S
3 YOGA COLLEGE OF INDIA, L.P. AND BIKRAM CHOUDHARY, pursuant to
4 Rules 3 and 4(a)(1)(A), Federal Rules of Appellate Procedure, and 28 U.S.C.
5 § 1291(a)(1) hereby appeal to the United States Court of Appeals for the Ninth
6 Circuit from the December 14, 2012, Order of the District Court granting
7 defendants' Motion for Partial Summary Judgment against plaintiffs and counter-
8 defendants on plaintiffs' First Claim for Relief for copyright infringement
9 concerning Bikram's Yoga Sequence, said order having the practical effect of
10 foreclosing injunctive relief sought on said claim (Complaint at 24:13-14), resulting
11 in immediate, serious, irreparable harm and rendering any later appeal an ineffective
12 remedy. *Oregon Natural Resources Council v. Kantor*, 99 F.3d 334, 337 (9th Cir.
13 1996).

14 Pursuant to Local Circuit Rule 3-2, attached is a Representation Statement
15 that identifies all parties to this action along with the names, addresses and
16 telephone numbers of their respective counsel.

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18 Dated: January 10, 2013

Respectfully submitted,

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20 SILVERMAN SHIN BYRNE & GILCHREST LLP

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22 By _____

23 Robert M. Gilchrest

24 Amy S. Russell

25 Attorneys for Plaintiffs and Counter-
Defendants, BIKRAM'S YOGA COLLEGE
26 OF INDIA, L.P. and BIKRAM
CHOUDHURY

1 **LOCAL CIRCUIT RULE 3-2 REPRESENTATION STATEMENT**

2 1. Plaintiffs /Appellants are Bikram's Yoga College of India, L.P. and Bikram
3 Choudhury.

4 Counsel for Plaintiffs/Appellants:

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10 2. Defendants/Appellees are Evolution Yoga, LLC, Mark Drost and Zefea
11 Samson.

12 Counsel for Defendants/Appellees:

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